IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

MACA.No. 312 of 2004()

OPMV.1562/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ALAPPUZHA
.....

: APPELLANT/PETITIONER.

BASHEER, S/O.YOUSUFF, CHEMMARAPPALLY HOUSE,VATTAYAL WARD, ALAPPUZHA.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS: RESPONDENTS.
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1. SULOCHANA, W/O.SAMBASIVAN, PRATHEEKSHA HOUSE, WARD NO.7 VAKKOM PANCHAYATH, CHIRAYINKEEZHU.

2. THE NEW INDIA ASSURANCE CO.LTD., REP. BY ITS DIVISIONAL MANAGER, DIVISIONAL OFFICE, ERNAKULAM.

3. K.S.R.T.C. TRIVANDRUM, REP. BY THE MANAGING DIRECTOR,(OWNER OF THE K.S.R.T.C. BUS).

4. YOUSUF, S/O.KHADER, DRIVER, K.S.R.T.C. DEPOT, KODUNGALLUR.

R2 BY ADV. SRI.KKM.SHERIF
SRI.A.A.ZIYAD RAHMAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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M.A.C.A. NO. 312 OF 2004

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Dated this the 18th day of January, 2007.

J U D G M E N T

Krishnan,J.

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal, Alappuzha in O.P.(MV) 1562/98. The claimant sustained injuries in a road accident and the Tribunal has awarded a compensation of Rs.55,000/-. It is against that decision the claimant has preferred this appeal. The learned counsel for the Insurance Company had also entered appearance.

2. Heard both sides. The main contention raised by the learned counsel for the appellant is that he had produced Ext.A12 certificate which shows that he was having a monthly income of Rs.3,500/- whereas the Tribunal has only taken his income at Rs.1,500/-. Considering the age of the person as 44 and the experience he had we feel it is appropriate to fix his income at Rs.2,000/- per month. If we take 9% disability, by applying a multiplier of 15, the annual loss of earnings will come to Rs.34,400/-, i.e., an additional compensation of Rs. 4,400/-.

Certainly, the sustainment of fracture should have caused some loss of amenities and enjoyment in life for a considerable length of time. Therefore, we award another Rs.3,000/- under that head. In all other heads the Tribunal has properly compensated the claimant. Therefore, the claimant will be entitled to an additional compensation of Rs.7,400/-.

In the result, the M.A.C.A. is partly allowed and the claimant is awarded an additional compensation of Rs.7,400/- with 7% interest on the said sum from the date of petition till realisation and the Insurance Company is directed to deposit the same within a period of two months from the date of receipt of a copy of this judgment.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

ul/-